



Paper No. 5

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In re Application of
Liang, et al.
Application No. 10/054,543
Filed: January 18, 2002
Attorney Docket No. 1085-041-PWH

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed May 13, 2002 (certificate of mailing date May 2, 2002), requesting, in effect, withdrawal of the April 2, 2002 Notice of Omitted Item(s) in a Nonprovisional Application (Notice).

The application was filed on January 29, 2002. On April 2, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that drawing figure 9 described in the specification appeared to have been omitted.


In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figure 9 be accorded a filing date of January 18, 2002 on the basis that 8 sheets of drawing figures, including drawing figure 9, were received in the Patent and Trademark Office (PTO) on January 18, 2002. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 18, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 8 sheets of drawings.


The return postcard constitutes *prima facie* evidence that 8 sheets of drawing figures, including drawing figure 9, were filed on January 18, 2002. MPEP 503. Accordingly, the request is granted.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of January 18, 2002, using the copy of drawing figure 9 submitted with the instant petition. Office records will be corrected to show that 8 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


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